

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

NESTEC S.A.,)	
)	
Plaintiff/Counter Defendant,)	
)	
v.)	No. 4:08-CV-1662 CAS
)	
WYSONG CORPORATION,)	
)	
Defendant/Counter Claimant.)	

MEMORANDUM AND ORDER

This matter is before the Court on the parties' stipulated motion for leave to file a first amended complaint. The Court will grant the stipulated motion and direct the Clerk of Court to file the first amended complaint, which was attached to the motion for leave. The amended complaint supercedes the original complaint and renders it without legal effect. See In re Atlas Van Lines, Inc., 209 F.3d 1064, 1067 (8th Cir. 2000). As a result, pending motions pertaining to the original complaint should be denied as moot, see Pure Country, Inc. v. Sigma Chi Fraternity, 312 F.3d 952, 956 (8th Cir. 2002), without prejudice to the filing of motions concerning the amended complaint.

Accordingly,

IT IS HEREBY ORDERED that the parties' stipulated motion for leave to file a first amended complaint is **GRANTED**. [Doc. 58]

IT IS FURTHER ORDERED that the Clerk of Court shall detach and docket the amended complaint which was submitted as an attachment to the motion for leave.

IT IS FURTHER ORDERED that Defendant's Motion to Reconsider and to Reinstate the Stay of Proceedings or, Alternatively, to Dismiss the Complaint or Require an Amended Pleading and Plaintiff's Motion to Dismiss Counts III-V of Wysong's Amended Counterclaims are **DENIED as moot** without prejudice. [Docs. 40 and 42]

A handwritten signature in cursive script, reading "Charles A. Shaw", written in black ink.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 10th day of December, 2010.